

Translation

PATENT COOPERATION TREATY

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PCT/ES2003/000316



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES2003/000316	International filing date (day/month/year) 26 June 2003 (26.06.2003)	Priority date (day/month/year) 28 June 2002 (28.06.2002)
International Patent Classification (IPC) or national classification and IPC A01K 61/00		
Applicant QUINTA CORTIÑAS, Andres		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>8</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 29 December 2003 (29.12.2003)	Date of completion of this report 28 November 2004 (28.11.2004)
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000316

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 9, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages 1 - 7, filed with the letter of 21 July 2004 (21.07.2004)
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 8, filed with the letter of 21 July 2004 (21.07.2004)
- ☒ the drawings:  
 pages 1 / 1, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages 1 - 7
- ☒ the claims, Nos. 1 - 2
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1	YES
	Claims		NO
Inventive step (IS)	Claims	1	YES
	Claims		NO
Industrial applicability (IA)	Claims	1	YES
	Claims		NO

### 2. Citations and explanations

Documents taken into consideration:

D1: ES 1043285 U, 1 December 1999

D2: FR 1176245 A, 8 April 1959

Document D1 can be considered the closest prior art and concerns an improved rearing pond which comprises at least one line of cables, from which hang spaced ropes for the culture of molluscs (mussels), the line running horizontally between two end floats which support the cable together with intermediate support buoys and being anchored by means of concrete mooring buoys disposed at one or other end of the line, the at least one line of cables being submerged at a substantially constant depth from the bottom which is necessary for the vertical displacement of the end floats when they are sunk and said end floats being connected to the concrete mooring buoys by an anchoring system which keeps the line taut.

D1 does not, however, anticipate the feature whereby the end floats can be raised and lowered by varying their internal volume by filling them with or

emptying them of water or air, said end floats being connected to a surface buoy comprising a valve for the intake of air.

Likewise, although document D1 incorporates an anchoring system for the rearing pond, the following feature, which characterises the claim of the present application, cannot be deduced in an obvious manner: "anchoring system comprising a corresponding number of end buoys that are appropriately submerged and as a result of their buoyancy are capable of pulling each of the end floats to which they are respectively connected by means of tensioning ropes and pulleys anchored in the concrete mooring buoys".

Document D2 is considered to be more remote and reflects the prior art.

None of the prior art documents shows an arrangement such as that described in the claim and therefore they cannot be considered relevant. In addition, it would not be obvious for a person skilled in the art proceeding from those documents to conceive a similar arrangement having the features indicated in the claim. Consequently, documents D1 and D2 are considered simply to be documents which reflect the prior art and which are considered to be of no particular relevance.

The subject matter of the application thus cannot be found in the prior art and cannot be derived therefrom in an obvious manner by a person skilled in the art, and therefore the subject matter of the claim can be considered to meet the requirements of PCT Article 33(2), (3) and (4) in respect of

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novelty, inventive step and industrial  
applicability.